

**§§ 52.2434—52.2435 [Reserved]**

**§ 52.2436 Rules and regulations.**

(a) [Reserved]

(b) The requirements of § 51.281 are not met with respect to Section 4.55 (b) of the Virginia regulations, because the regulation is not adequately enforceable. Therefore, Section 4.55(b) is disapproved.

[38 FR 33725, Dec. 6, 1973, as amended at 45 FR 55197, Aug. 19, 1980; 51 FR 40677, Nov. 7, 1986; 61 FR 16063, Apr. 11, 1996]

**§§ 52.2437—52.2449 [Reserved]**

**§ 52.2450 Conditional approval.**

(a) Virginia's September 28, 1994 SIP submittal of a Consent Order and Agreement (Order) between the Department of Environmental Quality of the Commonwealth of Virginia and Philip Morris, Inc. establishing reasonably available control technology (RACT) for the Manufacturing Center located in Richmond, Virginia is conditionally approved based on certain contingencies. The condition for approval is to revise and resubmit the Order as a SIP revision within one year of September 29, 1995 according to one of the following: Eliminate the exemption to use non-ethanol-based flavorings in lieu of add-on controls; restrict the applicability of the exemption to the use of non-VOC based flavorings; or impose monitoring and reporting requirements sufficient to determine net increases or decreases in emissions on a mass basis relative to the emissions that would have occurred using add-on controls on an average not to exceed thirty days.

(b) The Commonwealth of Virginia's March 27, 1996 submittal for an enhanced motor vehicle inspection and maintenance (I/M) program is conditionally approved based on certain contingencies, for an interim period to last eighteen months. If the Commonwealth fails to start its program according to the schedule it provided, or by November 15, 1997 at the latest, this conditional approval will convert to a disapproval after EPA sends a letter to the state. If the Commonwealth fails to satisfy the following conditions within 12 months of this rulemaking, this conditional approval will automatically convert to a disapproval as explained

under section 110(k) of the Clean Air Act. The conditions for approvability are as follows:

(1) The Commonwealth must perform and submit the new modeling demonstration that illustrates how its program will meet the relevant enhanced performance standard, by September 15, 1997 (a date specified by the Commonwealth in the commitment letter to EPA). The Commonwealth's revised modeling must correspond to the actual I/M program configuration, including actual test methods and start dates for all I/M program tests, actual cutpoints to be in-place for the evaluation year, and all other program assumptions as they exist in the SIP. EPA expects that Virginia's new modeling demonstration will be done using an approved EPA model in order to meet this condition. Virginia should refer to EPA's guidance on modeling to determine which version of the model is appropriate and suitable for Virginia's use in meeting this commitment.

(2) The Commonwealth must submit to EPA as a SIP amendment, by September 15, 1997 (a date specified by the Commonwealth in the commitment letter to EPA), the final Virginia I/M regulation which requires a METT-based evaluation be performed on 0.1% of the subject fleet each year as per 40 CFR 51.353(c)(3) and which meets all other program evaluation elements specified in 40 CFR 51.353(c), including a program evaluation schedule, a protocol for the testing, and a system for collection and analysis of program evaluation data.

(3) By September 15, 1997 (a date specified by the Commonwealth in the commitment letter to EPA), Virginia must adopt and submit a final Virginia I/M regulation which requires and which specifies detailed, approvable test procedures and equipment specifications for all of the evaporative and exhaust tests to be used in the enhanced I/M program. The Commonwealth has committed to adopt approvable test procedures, standards and specifications for its two-mode ASM test. The draft regulations submitted to EPA with the commitment letter, containing the two-mode ASM procedures and specifications do not comply in all respects